THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

Date: 5.9.2005

-

WRIT PETITION NO : 8318 of 2005

Between:

Ch.Yadagiri Reddy, S/o.Malla Reddy,
R/o.Plot No.52 S.V.Colony, Lothkunta, Alwal,
Secunderabad.

..... PETITIONER

AND

1 Union of India, rep.by its Secretary, Ministry of Education, New Delhi.
2 The Director General, Archaeological Survey of India, Janpath Road, New Delhi-11.
3 The Superintending Archeologist, Hyderabad Circle, Kendriya Sadan, Sultan Bazar, Koti, Hyderabad.

.....RESPONDENT(S)

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND

THE HONOURABLE SRI JUSTICE P. LAKSHMANA REDDY

WRIT PETITION No.8318 of 2005

ORAL ORDER: (per Smt. T. Meena Kumari,J)

This writ petition has been filed against the order of the Central Administrative Tribunal, Hyderabad, dated 4.3.2005 made in O.A. No. 620 of 2004 whereby and whereunder the Tribunal rejected the case of the petitioner for grant of pensionary benefits on the ground that the petitioner had not put in the minimum qualifying service of 20 years.

The brief facts of the case are that petitioner herein filed O.A. No. 620 of 2004 before the Central Administrative Tribunal, Hyderabad Bench seeking a direction to the respondents to pay the terminal benefits such as Pension, Gratuity, Basic Pay Arrears, Leave Encashment, P.F., Insurance and other benefits applicable to him.

The Tribunal on appreciation of the material placed before it, declined to grant the relief on the ground that the petitioner had not put in the minimum qualifying service of 20 years and since the petitioner has resigned from service, he is not entitled for the pensionary benefits. Aggrieved by the said order, petitioner filed the present writ petition.

Learned counsel for the petitioner submitted that if the petitioner is not entitled for the pensionary benefits, at least, a direction may be issued to the respondents to pay the other benefits like G.P.F., which will accrue to him.

On the other hand, Sri Koti Reddy, learned Assistant Central Government Counsel appearing on behalf of the respondents drew our attention to para-9 of the counter affidavit wherein it is stated that the applicant is not eligible for any pensionary benefits. But, his other dues like savings fund under CGEGIS and accumulated amount of G.P.F. are ready for payment. It was also stated therein that the petitioner was informed of this and has been sent reminders to collect the same after remitting an amount of Rs.10,680/- which was paid in excess towards his pay and allowances, during the period of his extraordinary leave. Learned Counsel, therefore, submitted that the petitioner is not entitled for pensionary benefits and he may collect the amounts which are ready for payment.

In view of what has been stated by the respondents in the counter affidavit, we dispose of this writ petition with a direction to the respondents to pay the amounts to the petitioner as admitted by them in the counter affidavit within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

_____

T. MEENA KUMARI,J

Date: 5th September, 2005

_____

P. LAKSHMANA REDDY,J

pnb